

CITY OF BRAZIL

PERSONNEL POLICY

HANDBOOK

Approved by the Board of Public Works and Safety
March 23, 2004

Ratified by Common Council
April 13, 2004

CITY OF BRAZIL PERSONNEL POLICY

1. PURPOSE AND AUTHORITY FOR PERSONNEL POLICY

It is the policy of the City to set forth a comprehensive listing of the policies and procedures in order to establish and maintain good relations with employees. THE EMPLOYEE HANDBOOK HAS BEEN DRAFTED AS A GUIDELINE FOR OUR EMPLOYEES. IT SHALL NOT BE CONSTRUED TO FORM A CONTRACT BETWEEN THE CITY AND ITS EMPLOYEES. RATHER, IT DESCRIBES THE CITY'S GENERAL PHILOSOPHY CONCERNING POLICY AND PROCEDURES.

2. GENERAL PROVISIONS

A. Effective upon Approval of the Board of Public Works and Safety.

This Policy, which covers all City Employees, shall become effective when approved by the Board of Public Works and Safety, and ratified by the Common Council.

B. Police and Fire Employees

The personnel policies and standard operating procedures of the City Police Department and the City Fire Department are included and made a part of this policy and will be followed by those departments. When there is a conflict, the policies of the specific department (Police or Fire) shall prevail. In the case of the City Fire Department, if any portion of this Policy is found to be in conflict with a collective bargaining agreement, then the collective bargaining agreement shall prevail.

C. Violations of Law

Any portion of this Policy found to be in violation of Federal or State Law or City Ordinance shall be declared null and void.

D. Revision

This Policy and the procedures outlined herein are subject to modification and revision from time to time as determined by the Board of Public Works and Safety and, the Common Council.

3. EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the City to recruit, hire, advance, and compensate without regard to race, religion, color, sex, age, marital status, sexual orientation, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements in order to assure every applicant the opportunity for gainful employment with the City based on his/her own merits. Reasonable accommodations will be made to the job or work environment to enable to perform essential job functions. An individual with a disability will not be considered an unqualified applicant or employee because of an inability to perform marginal or incidental job functions.

A. Hiring Practices

1. Qualifications

Hiring qualifications are defined as those listed in the job description for the position to be filled.

2. Vacancies

When a vacancy occurs, consideration shall be given to current employees who possess the knowledge, skill and ability necessary to fill the vacant position. The position shall be advertised in the newspaper and may be listed with appropriate employment agencies.

3. Selection

Department Supervisors shall be responsible, after consultation with the Mayor, for choosing the best-qualified applicants for openings in their respective departments. Final approval must come from the Mayor.

B. Recruitment and Selection

1. Procedure

The Department Supervisor will initiate the following procedure:

- A. A formal job notice shall be publicly posted in City Hall and in an appropriate place for each department. Copies shall also be sent to the Indiana Department of Employment and Training Services and other pertinent agencies.
- B. Job notices shall be posted for a minimum of one (1) week beginning on a Wednesday.
- C. Indiana Department of Employment and Training Services and newspaper advertising shall be utilized.
- D. All job notices, postings, ads, recruiting literature, etc., shall contain the phrase "AN EQUAL OPPORTUNITY EMPLOYER".

2. Application

All applicants will be required to complete the standard application form or submit a resume as specified by the job notice.

3. Pre-Employment Procedure

Immigration and Naturalization Form I-9, with supporting documents must be filed by every new employee within two (2) weeks of employment, otherwise permanent employment cannot take place.

The employee will be referred to the Clerk-Treasurer's office to complete payroll, tax and insurance forms, as well as the Federal Pre-Employment Information Form.

4. Probationary Period

Each employee will undergo a ninety-day probationary period. During this time period, the Department Supervisor will evaluate at the end of the first thirty (30) days. If at this time there are weaknesses or deficiencies the employee will have another evaluation at the end of the second thirty (30) days to improve. If the weakness or deficiencies are not corrected, then the employee will be terminated immediately. A probationary employee will be evaluated at the end of the ninety (90) day probationary period. The written evaluations shall be placed in the employee's personnel file.

5. Affirmative Action

The City shall promote its policy of Equal Employment Opportunity by actively pursuing all elements of its Affirmative Action Program, attached to this policy.

4. DEFINITIONS

A. Active Paid Status

An employee shall be in an active paid status when he/she is drawing earned compensation for employment, paid sick leave, or paid vacation leave.

B. City

Refers to the City of Brazil, Indiana.

C. EEOC

Refers to the Equal Employment Opportunity Commission.

D. FMLA

Refers to the Family and Medical Leave Act of 1993

E. Full Time

Includes all employees who are regularly scheduled to work forty (40) hours per calendar week. This includes seasonal employees such as certain parks and recreation employees, if they are regularly scheduled to work forty (40) hours per calendar week during the season of employ. This section shall not, however, be construed to include temporary pool or golf course employees.

F. Immediate Family

Shall include a mother, father, child, step-child, brother, sister, spouse, spouse's mother or father, grandparents, grandchild or foster-children.

G. Overtime

An employee who is required to work more than forty (40) hours per week will be compensated at a rate of time and a half for hours worked over forty (40). Paid holiday hours will count toward this forty (40) hour requirement as well as vacation days, which have been previously cleared and scheduled with the department supervisor, at least two weeks in advance as outlined in Section 7 under Vacation Pay. Holiday hours shall be paid at the regular hourly rate and all other leave, including vacation (not cleared and scheduled in compliance with Section 7); personal days; sick days; military leave; court and jury leave; maternity leave; or, leave with out pay will no be counted toward the forty hours per week. Authorized overtime must be approved by the department supervisor in question in accordance with the overtime procedures and forms utilized for each specific department and is subject to final approval by the mayor.

H. On Call

Certain City Employees will remain on call, available for service, during certain hours as directed by the Mayor. Hours on call will be paid at the regular hourly rate.

I. Part-time

Includes all employees who are regularly scheduled to work less than forty (40) hours per calendar week.

J. Permanent Employee

Refers to an employee whose job is of a nature requiring year-round employment.

K. Policy

Refers to the City of Brazil Personnel Policy.

L. Temporary Employee

Refers to an employee whose job is of a nature not requiring year-round employment, or who is advised at the time of his/her employment that the employment is on a temporary basis.

M. One (1) Day

Refers to the number of hours that an employee normally works in one (1) day. The amount is not exceed ten and half (10.5) hours for police officers, twenty-four (24) hours for firefighters, and eight (8) hours for all other full-time employees, and average number of hours worked in one day for part-time employees.

N. Comp time

Any employee required to work more than forty (40) hours in one week and is not qualified for overtime. The employee shall have the same amount of time off as worked in excess of the forty (40) hours. Employees are only eligible for comp time only if the employees immediate supervisor request to work over and use of comp time must approved by supervisor which said approval shall not be unreasonable withheld. Hours must be worked first; comp time will then be awarded. All comp time must be used or paid for by December 31st of each year. (adopted by

the Brazil Board of Public Works and Safety this 14th day of September, 2004; ratified by the Brazil Common Council this 24th day of August, 2004).

O. Transfers

A transfer is defined as an employee move from one department to another within the city. An employee may request a transfer from the posted job openings as stated in section 3B of this policy manual. An employee that is granted a transfer will not be granted another transfer for one (1) year from the date of the transfer. After the said year, the employee will be eligible for future transfers. An exception to this provision may be approved by the mayor under appropriate circumstances. (adopted by the Brazil Board of Public Works and Safety this 14th day of September, 2004; ratified by the Brazil Common Council this 24th day of August, 2004).

5. SALARIES AND RATES OF PAY

Salaries and rates of pay for City Employees are subject to annual review and are set in the City Ordinances as duly passed by the Common Council of the City of Brazil.

6. BENEFITS

A. Insurance Coverage

All full-time permanent employees are eligible for health and hospitalization insurance coverage, dental and vision insurance coverage, deferred compensation, and long term disability. Employee dependents may be added to the health and hospitalization, dental and vision insurance provided the employee signs the necessary forms and authorizes deduction of the premium from his/her paycheck. An employee must be employed for 30 days before eligible for coverage on health, hospitalization, dental and vision.

Health – City pays 100% of employee premium, \$25.00 towards family premium

Dental, Vision – City pays 100% of employee premium

Long Term Disability – City pays 100% of employee premium

Life Insurance - \$15,000 / \$30,000 on employee

Deferred Compensation – City will match \$10.00 per pay if employees contributes \$10.00 or more per pay.

B. Worker's Compensation

All employees are covered by worker's compensation while on the job.

C. PERF Eligibility

Only patrol officers in the City's Police Department and firefighters in the City's Fire Department are eligible for coverage by Public Employee Retirement Fund (PERF).

7. VACATION PAY

After one (1) year of continuous employment, a permanent full-time employee will be eligible for two (2) weeks of paid vacation.

After six (6) years of continuous employment, a permanent full-time employee will be eligible for three (3) weeks of paid vacation.

After fifteen (15) years of continuous employment, a permanent full-time employee will be eligible for four (4) weeks of paid vacation.

After twenty (20) years of continuous employment, a permanent full-time employee will be eligible for five (5) weeks of paid vacation.

Permanent part-time employees will be eligible for a corresponding number of vacation days as workdays following the above schedule. (Example, average work week of thirty (30) hours will equal thirty (30) hours of vacation). The average work week is defined as the average number of hours worked in the last six (6) months.

Employees may "sell" vacation time accrued and be paid for same in lieu of taking vacation time, if cleared by the Department Supervisor, as in accordance with applicable City Ordinances. All vacation time taken must be cleared with the Department Supervisor at least two (2) weeks in advance. Employees are limited to selling only up to two (2) weeks of accrued vacation time.

Employees will be eligible to receive two (2) pay checks when selling vacation or accumulated sick leave pay (pursuit section 10). In order to receive a separate check for vacation and accumulated sick leave pay an employee must turn in their request with the first pay of the month. Employees that turn in the request with any other pay will receive these benefits on one check.

8. PAID HOLIDAY SCHEDULE

The following holidays will be paid for permanent full-time employees, and for permanent part-time employees, if the holiday falls on a day, which would be part of his/her normal workweek: The city will follow the state's holiday list using the following days.

1. *New Year's Day*
2. *Martin Luther King Jr. Day*
3. *Good Friday*
4. *Primary Election Day*
5. *Memorial Day*
6. *Fourth of July*
7. *Labor Day*
8. *Columbus Day*
9. *General Election Day*
10. *Veteran's Day*
11. *Thanksgiving Day*
12. *Lincoln's Birthday (to be celebrated the day after Thanksgiving)*
13. *Christmas Day*
14. *Washington's Birthday (to be celebrated with day before or after Christmas)*

To receive holiday pay, a permanent employee must work his/her regularly scheduled day *before* and *after* the holiday. An exception to this would be if the employee is able to provide supporting documentation from a physician confirming the illness. If a permanent employee is called out for an emergency on a holiday, the pay shall be the pay for the holiday plus the regular pay for that day.

9. PERSONAL DAY

The following personal day will be paid for permanent employees and for permanent part-time employees:

- A. Personal Day** - used at discretion of employee and with approval of Supervisor.

10. SICK PAY

After three (3) months of employment, permanent full-time employees will be eligible for two (2) days of personal sick pay. Permanent full-time employees will be eligible for one (1) day of personal sick pay each succeeding full month of employment up to a maximum of sixty (60) days. Any employee on long-term leave, including but not limited to sick, military (if the military leave consist of more than 15 days), maturity, or family medical leave, may not accumulate days of personal sick pay while on leave. After two (2) consecutive days of absence due to illness the permanent employee must submit a doctor's certificate to return to work. This certificate shall be given to the Department Supervisor who will attach it to the payroll for that period. Accumulated sick days will not be paid on a voluntary or on an involuntary termination of employment. Upon retirement any accumulated sick days will be paid to the employee at an amount of twenty dollars (\$20.00) per day.

At the end of any year (December 31) in which an employee's sick leave accumulation has exceeded sixty (60), that excess, not to exceed twelve (12) days shall be paid to the employee at an amount of twenty dollars (\$20.00) per day.

11. BEREAVEMENT LEAVE

It is the policy of the City to provide paid bereavement leave for immediate family of up to five (5) normally scheduled workdays within ten (10) calendar days, previous to and including the day of the funeral, if necessary. Additional leave may be granted at the discretion of the Department Supervisor with pay. A Department Supervisor may require evidence of death of a family member for paid bereavement leave.

Each department is responsible for maintaining permanent record of absences due to bereavement leave for each employee with a copy of all documents to go into the employee's file.

12. MILITARY LEAVE

It is the policy of the City to provide military leave to any City employee who is a member of the Indiana National Guard or of any reserve component or branch of the naval, air, ground or any other military forces of the United States of America for not more than fifteen (15) days per year without loss of pay or benefits.

13. COURT AND JURY LEAVE

It is the policy of the City to grant an employee leave to serve on a jury or as a witness. An employee called for jury duty will be placed on a leave of absence for the duration of the jury duty. While on this leave, the employee will retain all benefits and continue to accrue sick leave and vacation time. The employee will be paid an amount that, when added to the jury duty compensation, equals the normal pay.

14. MATERNITY LEAVE (*without pay*)

This section is to provide maternity leave to those employees who are eligible. The procedure to be used by the employees is as follows:

1. Permanent, full-time pregnant employees may request a maternity leave of absence without pay submitting the request to their supervisor. The supervisor concerned shall notify the person in charge of personnel of the actions as soon as the request has been made.
2. The length and duration of maternity leave will be decided by the pregnant woman and her physician.
3. After the delivery, the employee should notify the supervisor concerned if she desires to return to work. If the employee fails to indicate within twelve (12) weeks whether or not she plans to return to work, and her attending physician feels that she is physically capable of performing her responsibilities, she will be considered as an automatic termination.
4. The employee returning from maternity leave must present a written notification from the attending physician to her supervisor stating she is physically able to return to work.
5. An employee granted a maternity leave of absence shall have her insurance coverage continued while on leave. The same coverage shall apply as before the leave was granted.
6. An employee granted a maternity leave of absence will first exhaust any accrued sick and vacation time.

15. LEAVE WITHOUT PAY

It is the policy of the City to grant extended leave without pay under certain conditions. Leave without pay may be granted as a protection for all full-time and part-time permanent city employees should a need arise for extended time off work for the following reasons:

A. Medical Leave

B. Personal Leave

An employee requesting a medical or personal leave must state the reason for the leave, and both the Department Supervisor and the Mayor must approve the leave. A medical or personal leave can be for a period of no more than one (1) month, and may be renewed at the option of the Department Supervisor and Mayor.

C. Family Leave

An employee may request up to twelve (12) weeks of leave without pay pursuant to the Family and Medical Leave Act (FMLA) of 1993. An employee requesting leave under the FMLA, must state the reason for the leave. All reasons as delineated in the FMLA are acceptable, and include, but are not limited to, birth of a child, adoption of a child, or care for elderly parents. Family leave granted pursuant to this section may include periods of leave time granted under No. 13 (Maternity Leave) or No. 14 section A (Medical Leave) at the option of the City.

Written notification of requested leave must be made by the requesting employee to the Clerk-Treasurer and the Department Supervisor prior to the leave, stating:

1. The reasons for the leave and,
2. The anticipated duration with the approximate beginning and ending dates.

Under no circumstances may leave without pay under this section be granted for a time period of more than one (1) year.

An employee's return to work to the same job level, job, or salary level cannot be guaranteed, but the department which grants the leave has the responsibility of trying to reinstate the employee to a position as near to the one vacated for the leave, to the extent possible.

An employee on leave may be required to give progress reports as to the status of his/her condition throughout the duration of the leave.

The Clerk-Treasurer will keep records of both denials and granted leaves without pay.

Leave without pay will not count toward vacation days, sick days, or paid holidays.

16. LAYOFFS

In the event it becomes necessary to layoff City employees, layoffs will be made pursuant to employee classification, and by seniority within classification. All City employees will be notified in advance of any general layoff, termination and/or downgrading. The reason for any layoff, termination and/or downgrading will be clearly stated.

17. DISCIPLINARY ACTION

A. Policy

It shall be the duty of all employees to maintain high standards of cooperation, efficiency, economy and ethics in their work for the City. The Department Supervisor shall organize and direct the work of his/her units to achieve these objectives.

Behavior, which falls below these standards, may subject the employee to disciplinary action. Disciplinary action includes verbal or written reprimand, days off or termination as determined by the Department Supervisor.

B. Drug-Free Workplace

All employees working on Federal Contract or Grants are covered by the following policy, in addition to others set forth in this manual:

The City is committed to providing a drug-free workplace and we expect the cooperation of all employees and a similar commitment from them. Pursuant to the Drug-Free Workplace Act of 1988, the unlawful manufacture, distribution, dispensation possession or use of a controlled substance in the workplace is prohibited. Any employee who violated this rule may be subject to discipline, up to and including termination. As a condition of employment, all employees must abide by this rule. In addition, any employee who is convicted of a drug statute violation arising out of conduct occurring in the workplace must notify the City of the conviction within five (5) days after the conviction.

C. Procedure

Whenever an employee's work habits, attitude, production or personal conduct falls below a desirable standard, the Department Supervisor shall point out the deficiencies within a reasonable time after they are observed and inform the employee of the department's acceptable level of performance. A reasonable time to correct the deficiencies should precede formal disciplinary action whenever reasonable.

Oral and written warnings should precede disciplinary action whenever reasonable. The customary procedure will be first the issuance of an oral warning, followed by one (1) written warnings, advising the employee of specific rule violations.

First Offense: oral warning
Second Offense: written warning
Third Offense: disciplinary action
Fourth Offense: termination

However, incidents that occur that warrant immediate formal disciplinary action. The above shall not prohibit immediate formal disciplinary action whenever the interest of the City requires such action.

D. Grounds for Disciplinary Action

The following constitute grounds for disciplinary action (up to and including termination): Actions which reflect discredit on the City or hinder the function of City government may result in disciplinary steps. Examples of this include, but may not be limited to, misconduct, inefficiency, incompetence, insubordination, laziness or malfeasance.

E. Grounds for Immediate Termination

The following actions may result in immediate termination:

1. Reporting to work under the influence of alcohol, illegal substances or drugs not prescribed by a practicing physician or dentist, or the use of these substances on the job, job site or during working hours.
2. Willful misuse or abuse of City property.
3. Commission of a crime while employed by the City.
4. Removal of City property without authorization.
5. Removal of articles of value without authorization of property owner while performing City services.
6. Verbal or physical assault by an employee on other City employees or citizens.
7. Verbally or physically refusing to perform assigned or directed work responsibilities.
8. Participating in or inciting mob action that is a hindrance to the function of City services.
9. Engaging in or condoning racial, sexual or other harassment in the workplace.
10. Bringing or carrying a firearm to the job or during work.

NOTE: This course will not be used with the Police Department.

This is not an excluding listing of grounds for immediate termination.

18. GRIEVANCE PROCEDURE

A. Policy

It is the policy of the City to ensure prompt consideration and equitable resolution of an employee grievance. Any employee who has a grievance should appeal to (1) the Department Supervisor, (2) and then to the Board of Public Works and Safety, in that order until the grievance is resolved or all appeals exhausted. No terminated employee is eligible for a grievance procedure unless the grievance falls under EEOC or ADA.

B. Good Faith Effort

It is the desire of the City to resolve the grievances informally whenever practicable. Both supervisors and employees are expected to make a good faith effort to resolve each situation as it arises.

C. EEOC Grievances

All employees who believe that they have been denied an Equal Employment Opportunity (i.e., hiring, firing, pay, promotion, benefits, working atmosphere, and any other term, condition or privilege of employment) IN ANY MANNER BECAUSE of race, religion, color, sex (including sexual harassment), age, marital status, sex orientation, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements may use this grievance procedure. This grievance procedure may also be used by employees who believe that they have been discriminated against in violation of the Americans with Disabilities Act. In the event that the person to whom the grievance would otherwise be submitted at any step is alleged to be involved in discriminatory conduct (as described in this section) giving rise to the grievance, the grievance shall skip that step and proceed to the next level. The Equal Employment Opportunity Officer shall inform all employees who believe they have been denied an Equal Employment opportunity that other legal avenues or redress are open for complaints of this nature.

D. Procedure

A grievance should be relayed by an employee to the Department Supervisor, informally within the working hours of the day that the event causing the grievance occurred. The supervisor will attempt to resolve the grievance informally as soon as possible and will render his/her decision orally or in writing to the aggrieved within twenty-four (24) hours.

A grievance not resolved by the Department Supervisor must be written and submitted to the president of the Board of Public Works and Safety by the aggrieved.

1. The written grievance must be signed and dated by the aggrieved and submitted to the appropriate board within two (2) working days to the decision rendered by the Department Supervisor.
2. The appropriate board shall review the grievance and render a written decision to the aggrieved within three (3) working days of the second regularly scheduled meeting of the appropriate board, following the submission of the grievance.
3. The aggrieved has the right of his/her own legal representation if so desired.

19. USE OF MOTOR VEHICLES, TOOLS AND EQUIPMENT

A. Safety Observances

Safety precautions in the use of all equipment and in all other actions must be practiced and adhered to at all times. Except for emergency vehicles, speed limit and motor vehicle statutes and ordinances shall be followed at all times and places. Any city employee issued a citation by the Brazil City Police Department or Clay County Sheriff's Department will be the responsibility of the operator.

B. Maintenance

Any vehicle or motor equipment assigned to an employee must be checked for oil, water, fuel, tires and etc., by the employee at the end of each workday and before operating. If any vehicle or motor equipment is not performing properly, the employee shall notify the Department Supervisor and shall not move the vehicle or motor equipment until released by the Department Supervisor.

C. Approval of Department Supervisor

No loaning of tools, equipment, or material may occur without the express approval of the Department Supervisor. NO PERSONAL USE!

D. Use of City-Owned Vehicles

City vehicles shall be used for official business of the City only and may not be used for private purposes, except where the employee is on call within the City limits. City of Brazil Vehicles may only be taken out of city limits for official city business.

20. PURCHASING PROCEDURES

A. Authorized Purchases

Only the Department Supervisor may make purchases for a department.

B. Purchase Orders

Purchases may be made only after obtaining a purchase order number from the Clerk-Treasurer's office.

C. Approval of Mayor or Clerk-Treasurer

Any purchase in an amount of \$200 or more must be approved by the Mayor or Clerk-Treasurer prior to purchase.

21. JOB QUALIFICATIONS AND DESCRIPTIONS

Job qualifications and descriptions for City Employees are on file in the Clerk-Treasurer's Office and are available upon request. The Board of Public Works and Safety approves all job qualifications and descriptions.

Upon approval by the Board of Public Works and Safety and ratification of the Common Council the policies set forth in this manual shall become effective immediately.. The approved holiday schedule shall become in effect beginning January 1, 2005.

Approved on this 23rd day of March, 2004 by the Brazil City Board of Public Works and Safety.

Thomas Arthur, Mayor and Presiding Officer

William Lovett

John Nelson

Ratified on this 13th day of April, 2004 by the Brazil Common Council.

Martin Beasley

A. Ann Bradshaw, President

Patricia Heffner

William Lovett

James Sheese

ATTEST:

Patricia Whistler, Clerk-Treasurer

Appendix "A"
Employee Work Rules

1. Reporting for work under the influence of drugs or alcohol is not permitted.
2. Reporting for work in an otherwise unacceptable condition is not permitted.
3. Loafing and stealing time will not be permitted.
4. Abusive language and (or) behavior will not be permitted.
5. Sexual harassment or sexual misconduct will not be permitted.
6. Destruction of property either City, public, or private due to carelessness or willful neglect will not be permitted.
7. Excessive absence or tardiness will not be permitted.
8. Only work for the City will be performed by City employees while on City time.
9. The use of City property without proper authorization is not permitted.
10. Theft of City property will not be permitted and is grounds for immediate termination.
11. No fighting or horseplay will be permitted.
12. Being out of your assigned work area without permission will not be permitted.
13. Using City equipment without proper permission or qualification will not be permitted.
14. Falsification of documents or dishonesty will not be permitted and is grounds for immediate termination.
15. Normal policies and procedures will be abided by i.e. parking regulations, smoking regulations, etc.
16. The failure to carry out a direct order will not be permitted and is grounds for immediate termination.
17. The refusal to carry out a direct order will not be permitted and is grounds for immediate termination.

Appendix "B"
Affirmative Action Program
City of Brazil, Indiana

Affirmative Action Policies & Practices

The employment policies and practices of the City of Brazil, Indiana is to recruit and to hire employees without discrimination because of race, religion, color, sex, age, marital status, familial status, national origin, ancestry, handicaps, disabilities and disadvantages unrelated to job requirements and to treat employees equally with respect to compensation and opportunities for advancement, including upgrading, promotion, and transfer.

The City adopts these policies and practices to assure compliance with Executive Order 11246, and to reaffirm its continued commitment to a program of equal opportunity and merit employment policies. It agrees to assert leadership within the community and to put forth the maximum effort to achieve full employment and utilization of the capabilities and productivity of all its citizens without regard to race, religion, color, sex, marital status, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements. The City further recognizes that the effective application of a policy of merit employment involves more than just a policy of statement and will, therefore, undertakes a program of affirmative action to make known that equal employment opportunities are available on the basis of individual merit and to encourage all persons to seek employment with the City and to strive for advancement on this basis.

Dissemination of Policy

The City will take appropriate steps to ensure that all employees are advised of this policy of nondiscrimination and of its interest in actively and affirmatively providing equal employment opportunity, such as;

1. All management personnel and any others in a position to implement this policy, including those engaged in recruiting, training and other personnel activities, will be fully advised of the policy and of their responsibilities with respect to it.
2. The City will establish a system of communication and feedback controls within all management and departmental levels to assure application of the policy throughout the entire City.
3. All supervisory staff personnel will be advised periodically in writing of the importance of providing full and complete equal employment opportunity on all jobs and all phases of work.
4. A copy of the affirmative action program will be made available to all employees to ensure the program is known.

Assignment of Responsibilities

The City will seek qualified minority group applicants for the various job categories and will make particular efforts to increase minority group representation in occupations at the higher levels of skill and responsibility.

1. All schools, colleges, employment offices and other recruiting sources used by the City will be advised in writing of this policy, and will be urged to refer qualified minority groups applicants.
2. Where appropriate, employment advertisements will be placed in newspapers, which are widely read by, and devoted to the interests of, minority groups. In addition, the City will request appropriate minority group agencies to assist in making known the City's policy and will advise such groups of available employment opportunities. It will also encourage similar employment referrals from present employees.
3. Special efforts will be made to assist qualified minority applicants in obtaining employment in City government.

Placement and Promotion

1. The City will review job categories where few minority group persons are presently employed, and seek to determine the cause of such low minority representation. When necessary, remedial efforts may include such actions as follows:
 - A. Vigorous recruitment of qualified minority group candidates.
 - B. Special discussions with appropriate management, supervisory, or other personnel, regarding the City's policy and its desire to ensure the utilization of qualified minority group personnel at all job levels.
 - C. Re-evaluation of qualifications of the lower echelon of minority group employees to determine whether their skills and capabilities may be more fully utilized at higher job levels or would warrant their transfer to other types of jobs more readily leading to advancement.
2. Promotions will be made entirely on the basis of performance and achievement without regard to race, religion, color, sex, age, marital status, sex orientation, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements. All employees will have an equal opportunity to compete and produce.
3. Transfers of personnel at all levels will be monitored to ensure that equal consideration, as required by the City policy, has been given to qualified minority group employees.

Training

1. In-house training programs, as well as all other training and educational programs to which the City gives support or sponsorship, will be regularly reviewed to ensure that minority group candidates as well as all other employees are given equal opportunity to participate.

Layoff, Termination and Downgrading

1. The City will ensure that layoffs, termination, downgrading and recalls from layoffs are made without regard to race, religion, color, sex, age, marital status, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements.
2. All City employees will be notified in advance of any general layoff, termination and/or downgrading. The reason for any general layoff, termination, and/or downgrading will be clearly stated.

Other Activities

1. The City will insure that there is no disparity in the compensation received by minority group employees and other employees for performing equivalent duties, and that opportunities for performing overtime work or otherwise earning increase compensation are afforded without discrimination to all employees.
2. It is the City's policy that none of its facilities will be segregated, and the same policy will be observed with respect to any employee programs or activities, which are sponsored or supported by the City.
3. The City will participate in community service, educational and other programs which assist in providing equal opportunity to all persons without regard to race, religion, color, sex, age, marital status, familial status, national origin, handicaps, disabilities or disadvantages.
4. The City will assist others by sharing its experience and programs to provide full and equal employment opportunities.

5. The City will maintain records and resource files on its EEO programs. Continuous and on-going research will be conducted to develop and implement programs for equal employment opportunities. Programs will be revised, updated, and improved upon wherever possible.
6. The City will make every reasonable effort to engage qualified minority group contractors for its projects. They will be invited to propose for work and technical advice will be given for the preparation and submission of proposals and quotations, including purchase of materials and equipment. Contractors will be encouraged to increase minority group participation in the competitive market of their trades. Periodic reviews will be made to ensure that minority contractors are invited to propose and that assistance is offered to them.

Appendix "C"

CITY OF BRAZIL DRUG AND ALCOHOL ABUSE POLICY AND RULES

Goal

To protect the safety of the employees and to identify any person(s) whose alcohol or other drug use threatens the safety of the workplace.

General Policy

The purpose and rules supporting this policy are:

1. To establish and maintain a safe healthy working environment for all city employees;
2. To reduce the risk of accidents and the resulting injuries to City employees and to others who come into contact with City employees;
3. To reduce absenteeism and tardiness and to improve City employee productivity;
4. To set a positive example for the community on how a drug and alcohol abuse free work environment can be created and maintained;
5. To comply with state and federal laws, including the Drug Free Workplace Act.

Generally Applicable Rules

1. Employees are prohibited from being under the influence of alcohol or illegal drugs while on duty (i.e. during their work hours). A person shall be considered as having been "under the influence" whenever a drug or alcohol test result indicates the presence of a prohibited drug or an alcohol level beyond the limit established in this policy.
2. Employees are prohibited from possessing, selling, transferring, purchasing, or receiving alcohol or illegal drugs while on duty or while on city property or in city-owned vehicles.
3. Employees are prohibited from reporting to work with any measurable level of illegal drug in their bodies or a blood alcohol level in excess of .02%.
4. Employees are prohibited from bringing to work, or consuming while on duty, any prescription drugs other than that brought and consumed by the person for whom the drug was prescribed. Employees on prescriptions or over-the-counter drugs should not report to work if their use of the drug(s) significantly interferes with their ability to safely and effectively perform their work responsibilities.
5. Employees are prohibited from being tardy or absent from work due to their use of illegal drugs or their abuse of alcohol or prescriptive drugs.
6. Employees who observe another employee who:
 - a. is under the influence of alcohol or illegal drugs while on duty;
 - b. possesses, sells, transfers, purchases or receives alcohol or illegal drugs while on duty or while on City property or in City-owned vehicles; or

- c. brings to work, or consumes while on duty any prescription drugs other than that brought and consumed by the person for whom the drug was prescribed; should report such to their department supervisor as soon as possible after that observation is made.
7. Employees are prohibited from taking any action that would prevent or interfere with the timely and accurate administration of drug or alcohol testing under this policy and these rules supporting it. Employees who have been directed to undergo a drug or alcohol test and who fail to cooperate in this process will be considered to have violated this rule.
8. Any violation of these rules will be treated as grounds for disciplinary action. The violation of any one of these rules presents a serious enough situation to warrant immediate termination of employment.

Test Administered

A. Drug Testing

The drug test will screen for illegal drugs including Cannabinoids (marijuana), Cocaine, Opiates (morphine; heroin), Amphetamines (speed), and Phencyclidine (PCP). Employees or candidates for employment subject to this testing will be required to produce a urine sample at the location designated by the City of Brazil and submit that urine sample to the person authorized to receive urine samples. A laboratory equipped and qualified to perform testing of the sample will then test the urine sample.

B. Alcohol Testing

The alcohol test will measure the amount of alcohol an employee has in his or her body. Alcohol testing will be conducted by a person and facility authorized to conduct such tests, by submitting the employee to a breath test.

When Drug and/or Alcohol Tests Will Be Administered

A. Pre-employment

Any applicant chosen for employment by the City shall be required to submit to a drug test arranged by the City. This test must be taken within the first 30 days of employment. Upon taking the City sponsored drug test, the test must come back negative or the employee will be terminated.

B. Post Accident

Employees shall submit to drug and/or alcohol testing immediately after they have been involved in an accident while operating a City-owned vehicle or a personal vehicle during their work hours. Whenever the accident involves a fatality or injury that causes either the employee or the other party to go to a clinic or hospital for treatment, the employee must also submit a drug and/or alcohol test. A drug and/or alcohol test must also be submitted when the employee receives a citation from law enforcement for a moving violation arising from such accident.

C. Reasonable Suspicion

Employees may be subject to drug and alcohol testing under circumstances where an employee's behavior, speech, body odor, appearance, or information from a reliable and credible source, indicates a strong likelihood that the employee has used alcohol while on duty or is under the influence of an illegal drug. The supervisor who directs and employee to undergo a drug and/or alcohol test based on reasonable suspicion should detail in writing the specific facts, symptoms, observations, or other information underlying his or her determination. The supervisor should attempt to have another responsible person observe the employee prior to ordering the employee to undergo testing, unless the supervisor determines that this is not feasible. Employees should be provided with an explanation on the determination of reasonable suspicion before they are subject to drug and alcohol testing.

Testing Results

A. Consequences of Positive Tests Results

Employees who are subject to drug and/or alcohol testing and whose test results indicate either that they had used an illegal drug or had a blood alcohol level in excess of .02% will be given the chance to pay for a second test to be taken. This employee will not be able to work until the results come back. Therefore, the employee can use his or her sick time to be paid during that time off. If their sick time is depleted, the employee will have to take time without pay until the results come back. If the results come back positive a second time, they will be terminated.

B. Confidentiality of Test Results

All information obtained in the course of administering drug and alcohol tests of employees shall be considered confidential medical information and kept confidential to the extent required and allowed, by the state and federal governments. These records will only be discussed with the Mayor of Brazil, Safety Director, and the tested employee.

C. Filing of Test Results

All test results will become part of the individual's safety file, located in the office of the Safety Director and separate from Personnel Files. These files will only be accessible to the Safety Director and Mayor of Brazil.

Appendix "D"
Personnel Policy Signature Form

I, _____, have received and read a copy of "City of
(Employee name, print or type)
Brazil, Personnel Policy and Procedures".

(Employee signature)

(Date)

This signature page must be signed by the employee and turned into the Clerk's Office. It will be placed in the employee's file.